

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE: AUTOMOTIVE PARTS  
ANTITRUST LITIGATION

Master File No. 12-md-02311  
Hon. Marianne O. Battani

IN RE: OCCUPANT SAFETY SYSTEMS

Case No. 2:15-cv-12050-MOB-MKM  
Case No. 2:15-cv-00607-MOB-MKM

THIS DOCUMENT RELATES TO  
TRUCK AND EQUIPMENT DEALER  
CASES

**PROPOSED / PENDING COURT APPROVAL  
DISTRIBUTION / ALLOCATION PLAN  
TRUCK AND EQUIPMENT DEALER  
OCCUPANT SAFETY SYSTEMS SETTLEMENTS**

This distribution / allocation plan (“Allocation Plan”) will be applied to the Truck and Equipment Dealer settlements in the Occupant Safety Systems case. The Allocation Plan includes allowances based on *pro rata* distributions and utilizes a “weighted” point system that recognizes instances of alleged coordinated activity. To the extent practicable, the principles applied here will be applied to settlements benefitting Truck and Equipment Dealers for other vehicle parts cases in this litigation. Each parts case will have its own plan of distribution and/or allocation. This proposed plan will, if approved by the Court, govern the Occupant Safety Systems case.

***Settlement Coverage:***

The Allocation Plan will allocate the net proceeds of each of the Occupant Safety Systems Settlements to:

**(1)** Dealers who purchased Trucks & Equipment,<sup>1</sup> defined generally as medium- and heavy-duty trucks, buses, commercial vehicles (excluding automobiles, vans, sports utility vehicles, crossovers or pickup trucks, and/or similar motor vehicles sold by automobile dealers), all-terrain vehicles, construction equipment, mining equipment, agricultural equipment, railway vehicles, materials-handling vehicles, and other similar vehicles, that were subject to alleged coordinated activity on bids for component parts;

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<sup>1</sup> The phrase “Trucks & Equipment” is expressly defined in each of the individual settlement agreements, as is the precise parameters of the settlement class.

- (2) Dealers who purchased subsequent Trucks & Equipment that were subject to alleged coordinated activity on bids for component parts;
- (3) Dealers who purchased Trucks & Equipment whose manufacturers experienced multiple instances of alleged coordinated activity on bids for component parts;
- (4) Dealers who purchased other Trucks & Equipment; and
- (5) Dealers who purchased component parts subject to allegedly coordinated activity.

This Allocation Plan is subject to Court approval and may be revised with Court approval if new relevant information becomes available. In addition, there may be supplements and additions to the list of Trucks and Equipment appended hereto, without Court approval.

Payments will take into account the number and type of new Trucks and Equipment and covered component parts that a Dealer purchased during the periods set forth in the Settlement Class definitions.

Only new Trucks and Equipment purchased are eligible for inclusion. Used and pre-owned Trucks and Equipment that a Dealer purchased at any time will not be included in or counted towards the allocation.

***Weighted Point Allocations:***

Allocations will be determined on a *pro rata* basis using a “weighted” value for each new covered vehicle or vehicle part that Dealers purchased between January 1, 2003 and July 27, 2016:<sup>2</sup>

- Each new unit of any Truck or Equipment vehicle purchased by an eligible member of the Settlement Class during the Class Period will be assigned **100 points**;
- Each complete air bag assembly (for Trucks and Equipment only) purchased as a replacement part will be assigned **5 points**;
- Each complete steering wheel assembly (for Trucks and Equipment only) purchased as a replacement part will be assigned **5 points**;
- Each complete anti-lock braking system (for Trucks and Equipment only) purchased as a replacement part will be assigned **5 points**;
- Each steering wheels (for Trucks and Equipment only) purchased as a replacement part will be assigned **3 points**;

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<sup>2</sup> The time periods covered by the settlements vary, and the specific end dates are set forth in the settlement agreements.

- Each seat belt (for Trucks and Equipment only) purchased as a replacement part will be assigned 1 point; and
- Each claimant that submits a valid claim and purchased the Trucks and Equipment or replacement parts in the states listed in the settlement documents will receive a minimum allocation of 10 points.

*Important Note:* The maximum payment for any claimant will depend on the application of the principles of allocation and the total amount of each settlement fund, after expenses.

More details about the anticipated distribution of the settlement funds are available in the papers filed with the Court in support of settlement approval, which are available on the settlement website, [www.TruckDealerSettlement.com](http://www.TruckDealerSettlement.com). In order to receive a payment, a claimant must file a valid and timely claim. The settlement web site and claim form provide additional details about how to submit a claim. Further information is available at [www.TruckDealerSettlement.com](http://www.TruckDealerSettlement.com) or by calling the Settlement Administrator at 1-866-742-4955.

*A Truck & Equipment Allocation chart is attached. The allocation information provided was not compiled or approved by Settling Defendants and is not to be construed as evidence or an admission against any Settling Defendants that they participated in coordinated activities with respect to the listed vehicles and manufacturers.*